The Army Lawyer Index for 2007
January 2007-December 2007

Author Index

-A-

Annexstad, Major W. James, U.S. Air Force, *The Detention and Prosecution of Insurgents and Other Non-Traditional Combatants—A Look at the Task Force 134 Process and the Future of Detainee Prosecutions*, July 2007, at 72.

-B-

Barnard, Major Thomas H., *Preparing Interrogators to Conduct Operations Lawfully*, Feb. 2007, at 3.

Bart, Commander Gregory Raymond, U.S. Navy, *Special Operations Commando Raids and Enemy* Hors de Combat, July 2007, at 33.

Borch, Colonel (Ret.) Fred L. III, *In Memoriam: Major Michael R. Martinez*, Feb. 2007, at 1.

-C-

Coombs, Major David Edward, *Uncharged Misconduct: The Edge Is Never Dull*, May 2007, at 18.

-D-

Dobbs, Major Thomas H., *The Use of Government-Owned Vehicles for the Sustenance, Comfort and Health of Personnel in Deployed or Remote Locations*, Apr. 2007, at 1.

-F-

Faculty, Contract and Fiscal Law Department, TJAGSA, *Contract and Fiscal Law Developments of 2006—The Year in Review*, Jan. 2007, at 1.

Fleming, Major Deidra J., *The Year in Voir Dire and Challenges, and Pleas and Pretrial Agreements*, June 2007, at 31.

-H-

Hamner, Major John A., *The Rise and Fall of Post-Trial—Is It Time for the Legislature to Give Use All Some Clemency?*, Dec. 2007, at 1.

Hargis, Colonel Michael J. & Lieutenant Colonel Timothy Grammel *Annual Review of Developments in Instructions—2006*, May 2007, at 48.

Hawks, Major Kwasi L., *To Err Is Human, to Obtain Relief Is Divine*, June 2007, at 55.

Hoege, Major Howard H. III, *"Overshift" The Unconstitutional Double Burden-Shift on Affirmative Defenses in the New Article 120*, May 2007, at 2.

-J-

Jackson, Dick, Lieutenant Colonel Eric T. Jensen, & Robert Matsuishi, *The Law of War after the DTA,* Hamdan *and the MCA*, Sept. 2007, at 19.

Jackson, Richard B., *The Law of War and the Academy*, Sept. 2007, at 14.

Janin, Commander Albert S., U.S. Navy, *Engaging Civilian-Belligerents Leads to Self-Defense/Protocol I Marriage*, July 2007, at 82.

Johnson, Lieutenant Colonel Mark L., *Confronting the Mortal Enemy of Military Justice: New Developments in Unlawful Command Influence*, June 2007, at 67.

Johnson, Lieutenant Colonel Mark L., Foreword (Military Justice Symposium I), May 2007, at 1.

-K-

Kastenburg, Major Joshua E., U.S. Air Force, *Tactical Level PSYOP and MILDEC Information Operations: How to Smartly and Lawfully Prime the Battlefield*, July 2007, at 61.

Kim, Major Eugene Y., *Late Is Late: The GAO Bid Protest Timeliness Rules, and How They Can Be a Model for Boards of Contract Appeals*, Nov. 2007, at 30.

Knies, Major Jennifer S., *Two Steps Forward, One Step Back: Why the New UCMJ's Rape Law Missed the Mark, and How an Affirmative Consent Statute Will Put It Back on Target*, Aug. 2007, at 1.

-L-

Lancaster, Major Nicholas F., *The Framers' Sixth Amendment Prescriptions: Cross-Examination and Counsel of Choice*, June 2006, at 20.

-M-

Martin, Major Robert L., *Military Justice in the National Guard: A Survey of the Laws and Procedures of the States, Territories, and the District of Columbia*, Dec. 2007, at 30.

Maxwell, Lieutenant Colonel Mark David "Max" Maxwell & Major Richard V. Meyer, *The Principle Distinction: Probing the Limits of Its Customariness*, Mar. 2007, at 1.

MacDonnell, Lieutenant Colonel Timothy C., *Tending the Garden: A Post-Trial Primer for Chiefs of Criminal Law*, Oct. 2007, at 1.

McCabe, Major John M., *How Far Is Too Far? Helping the Commander to Keep Control Without Going over the Line; the Trial Practitioner's Guide to Conditions on Liberty and Article 13 Credit*, Aug. 2007, at 46.

Meier, Colonel Michael W., *A Treaty We Can Live with: The Overlooked Strategic Value of Protocol II*, Sept. 2007, at 28.

Montgomery, Lieutenant J. Michael, *Death is Different:* Kreutzer *and the Right to a Mitigation Specialist in Military Capital Offense Cases*, Feb. 2007, at 13.

-P-

Pritchard, Major Charles L., Jr., *The Pit and the Pendulum: Why the Military Must Change Its Policy Regarding Successive State-Military Prosecutions*, Nov. 2007, at 1.

-R-

Rawcliffe, Major John T., *Child Soldiers: Legal Obligations and U.S. Implementation*, Sept. 2007, at 1.

Rothwell, Major John, *Annual Developments in Sentencing & Post-Trial—2006*, June 2007, at 42.

-S-

Samy, Major Sharad A., *Cry "Humanitarian Assistance" and Let Slip the Dogs of War*, Oct. 2007, at 52.

Schoettler, Colonel James A., Jr., Lieutenant Colonel Eric T. Jensen, & Tyler L. Davidson, *Updating Army Regulation 550-51 to Meet the Needs of the Army's Evolving Mission*, Sept. 2007, at 7.

Sennott, Major Daniel J., *Interpreting Recent Changes to the Standing Rules for the Use of Force*, Nov. 2007, at 52.
Stewart, Lieutenant Colonel Stephen R., USMC, *Katy Bar the Door—2006 New Developments in Fourth Amendment Search and Seizure Law*, June 2006, at 1.

-T-

Tackaberry, Major Karin G., *Time to Stand Up and Be Counted: The Need for the United Nations to Control International Terrorism*, July 2007, at 1.

Tasikas, Lieutenant Commander Vasilios, U.S. Coast Guard, *Developing the Rule of Law in Afghanistan: The Need for a New Strategic Paradigm*, July 2007, at 45.

-V-

Varley, Major James L., *"A little bird told me":* U.S. v. Finch *and the Death of the* McOmber *Rule*, May 2007, at 33.

-W-

Walters, Major Christopher B., *Responding to National Disasters and Emergencies: A Contract and Fiscal Law Primer*, Oct. 2007, at 35.

-Y-

Youngner, Colonel Larry D., U.S. Air Force, Squadron Leader Patrick Keane, Royal Australian Air Force, & Squadron Leader Andrew McKendrick, Royal Air Force, *The Influence of International Law on the Military Commissions Act of 2006: The Glass Half Full*, July 2007, at 26.

Subject Index

-C-

CONTRACT AND FISCAL LAW

Contract and Fiscal Law Developments of 2006—The Year in Review, Faculty, Contract and Fiscal Law Department, Jan. 2007, at 1.

Late Is Late: The GAO Bid Protest Timeliness Rules, and How They Can Be a Model for Boards of Contract Appeals, Major Eugene Y. Kim, Nov. 2007, at 30.

Responding to National Disasters and Emergencies: A Contract and Fiscal Law Primer, Major Christopher B. Walters, Oct. 2007, at 35.

COURTS-MARTIAL

The Rise and Fall of Post-Trial—Is It Time for the Legislature to Give Use All Some Clemency?, Major John A. Hamner, Dec. 2007, at 1.

Tending the Garden: A Post-Trial Primer for Chiefs of Criminal Law, Lieutenant Colonel Timothy C. MacDonnell, Oct. 2007, at 1.

To Err Is Human, to Obtain Relief Is Divine, Major Kwasi L. Hawks, June 2007, at 55.

CRIMINAL LAW

Annual Developments in Sentencing & Post-Trial—2006, Major John T. Rothwell, June 2007, at 42.

Annual Review of Developments in Instructions—2006, Colonel Michael J. Hargis & Lieutenant Colonel Timothy Grammel, May 2007, at 48.

Confronting the Mortal Enemy of Military Justice: New Developments in Unlawful Command Influence, Lieutenant Colonel Mark L. Johnson, June 2007, at 67.

Death is Different: Kreutzer *and the Right to a Mitigation Specialist in Military Capital Offense Cases*, Lieutenant J. Michael Montgomery, Feb. 2007, at 13.

The Framers' Sixth Amendment Prescriptions: Cross-Examination and Counsel of Choice, Major Nicholas F. Lancaster, June 2006, at 20.

Foreword, Lieutenant Colonel Mark L. Johnson, May 2007, at 1.

How Far Is Too Far? Helping the Commander to Keep Control Without Going over the Line; the Trial Practitioner's Guide to Conditions on Liberty and Article 13 Credit, Major John M. McCabe, Aug. 2007, at 46.

Katy Bar the Door—2006 New Developments in Fourth Amendment Search and Seizure Law, Lieutenant Colonel Stephen R. Stewart, USMC, June 2006, at 1.

"A little bird told me": U.S. v. Finch *and the Death of the* McOmber *Rule*, Major James L. Varley, May 2007, at 33.

"Overshift" The Unconstitutional Double Burden-Shift on Affirmative Defenses in the New Article 120, Major Howard H. Hoege III, May 2007, at 2.

To Err Is Human, to Obtain Relief Is Divine, Major Kwasi L. Hawks, June 2007, at 55.

Two Steps Forward, One Step Back: Why the New UCMJ's Rape Law Missed the Mark, and How an Affirmative Consent Statute Will Put It Back on Target, Major Jennifer S. Knies, Aug. 2007, at 1.

Uncharged Misconduct: The Edge Is Never Dull, Major David Edward Coombs, May 2007, at 18.

The Year in Voir Dire and Challenges, and Pleas and Pretrial Agreements, Major Deidra J. Fleming, June 2007, at 31.

-I-

INSTRUCTIONS

Annual Review of Developments in Instructions—2006, Colonel Michael J. Hargis & Lieutenant Colonel Timothy Grammel, May 2007, at 48.

INTERNATIONAL & OPERATIONAL LAW

Child Soldiers: Legal Obligations and U.S. Implementation, Major John T. Rawcliffe, Sept. 2007, at 1.

Cry "Humanitarian Assistance" and Let Slip the Dogs of War, Major Sharad A. Samy, Oct. 2007, at 52.

The Detention and Prosecution of Insurgents and Other Non-Traditional Combatants—A Look at the Task Force 134 Process and the Future of Detainee Prosecutions, Major W. James Annexstad, U.S. Air Force, July 2007, at 72.

Developing the Rule of Law in Afghanistan: The Need for a New Strategic Paradigm, Lieutenant Commander Vasilios Tasikas, U.S. Coast Guard, July 2007, at 45.

Engaging Civilian-Belligerents Leads to Self-Defense/Protocol I Marriage, Commander Albert S. Janin, U.S. Navy, July 2007, at 82.

The Influence of International Law on the Military Commissions Act of 2006: The Glass Half Full, Colonel Larry D. Youngner, U.S. Air Force, Squadron Leader Patrick Keane, Royal Australian Air Force, and Squadron Leader Andrew McKendrick, Royal Air Force, July 2007, at 26.

Interpreting Recent Changes to the Standing Rules for the Use of Force, Major Daniel J. Sennott, Nov. 2007, at 52.

The Law of War after the DTA, Hamdan *and the MCA*, Dick Jackson, Lieutenant Colonel Eric T. Jensen, & Robert Matsuishi, Sept. 2007, at 19.

The Law of War and the Academy, Richard B. Jackson, Sept. 2007, at 14.

Preparing Interrogators to Conduct Operations Lawfully, Major Thomas H. Barnard, Feb. 2007, at 3.

The Principle Distinction: Probing the Limits of Its Customariness, Lieutenant Colonel Mark David "Max" Maxwell & Major Richard V. Meyer, Mar. 2007, at 1.

Special Operations Commando Raids and Enemy Hors de Combat, Commander Gregory Raymond Bart, U.S. Navy, July 2007, at 33.

Tactical Level PSYOP and MILDEC Information Operations: How to Smartly and Lawfully Prime the Battlefield, Major Joshua E. Kastenburg,, U.S. Air Force, July 2007, at 61.

Time to Stand Up and Be Counted: The Need for the United Nations to Control International Terrorism, Major Karin G. Tackaberry, July 2007, at 1.

A Treaty We Can Live with: The Overlooked Strategic Value of Protocol II, Colonel Michael W. Meier, Sept. 2007, at 28.

-M-

MISCELLANEOUS

Military Justice in the National Guard: A Survey of the Laws and Procedures of the States, Territories, and the District of Columbia, Major Robert L. Martin, Dec. 2007, at 30.

The Pit and the Pendulum: Why the Military Must Change Its Policy Regarding Successive State-Military Prosecutions, Major Charles L. Pritchard, Jr., Nov. 2007, at 1.

Responding to National Disasters and Emergencies: A Contract and Fiscal Law Primer, Major Christopher B. Walters, Oct. 2007, at 35.

Updating Army Regulation 550-51 to Meet the Needs of the Army's Evolving Mission, Colonel James A. Schoettler, Jr., Lieutenant Colonel Eric T. Jensen, & Tyler L. Davidson, Sept. 2007, at 7.

The Use of Government-Owned Vehicles for the Sustenance, Comfort and Health of Personnel in Deployed or Remote Locations, Major Thomas H. Dobbs, Apr. 2007, at 1.

-S-

SEARCH AND SIZURE

Katy Bar the Door—2006 New Developments in Fourth Amendment Search and Seizure Law, June 2006, at 1.
New Developments in Search and Seizure Law, Lieutenant Colonel Stephen R. Stewart, USMC, June 2007, at 1.

SENTENCING AND POST-TRIAL

Annual Developments in Sentencing & Post-Trial—2006, Major John T. Rothwell, June 2007, at 42.

-U-

UNLAWFUL COMMAND INFLUENCE

Confronting the Mortal Enemy of Military Justice: New Developments in Unlawful Command Influence, Lieutenant Colonel Mark L. Johnson, June 2007, at 67.

Office of the Judge Advocate General Practice Note Index

INTERNATIONAL AND OPERATIONAL LAW PRACTICE NOTE

Common Article 3 and Its Application to Detention and Interrogation, Mr. Dick Jackson & Lieutenant Colonel Eric T. Jensen, May 2007, at 69.

TJAGLCS Practice Notes Index

ADMINSTRATIVE AND CIVIL LAW NOTES

Update for 2007 Federal Income Tax Returns, Major Dana J. Chase, Dec. 2007, at 70.

FUTURE CONCEPTS PRACTICE NOTE

Creating, Legal Pentatheletes: An Argument in Favor of an Operations Training Course for Judge Advocates, Lieutenant Colonel Mike Ryan, Apr. 2007, at 20.

TRAINING DEVELOPMENTS PRACTICE NOTE

Judge Advocate Staff Officers Course (JATSOC) Staff Skills Training for the Contemporary Operational Environment, Lieutenant Colonel Nancy Waldron, Major David T. Cluxton, & Major John Moore, Apr. 2007, at 17.

Notes from the Field Index

E-Discovery Amendments to Federal Rules of Civil Procedure Celebrate First Anniversary, Colonel John Siemietkowski, Dec. 2007, at 77.

Cross-Examination by the Numbers, Lieutenant Colonel Bradley J. Huestis, Oct. 2007, at 76.

Mentoring Afghan National Army Judge Advocates: An Operational Law Mission in Afghanistan and Beyond, Lieutenant Colonel Daniel J. Hill & Lieutenant Colonel Kevin Jones, Mar. 2007, at 12.

Official Federal Representation Against State Restraining Orders Following the Armed Forces Domestic Security Act of 2002, Major Joshua M. Toman, Mar. 2007, at 26.

Organization Days Versus "Organization Daze": Official and Unofficial Unit Activities in USAREUR, Military and Civil Law Division, U.S. Army Europe, Aug. 2007, at 60.

A Question of Priority: Issues Impacting Priority of Payment under the Federal Medical Care Recovery Act, Captain Davie P. Lewen, Jr., Mar. 2007, at 20.

The Posse Comitatus Act: Does It Impact the Department of Defense during Consequence Management Operations?, Lieutenant Colonel Mary J. Bradley, Lieutenant Colonel Stephanie Stephens, & Mr. Michael Shaw, Oct. 2007, at 68.

They Asked, But Can We Help? A Judge Advocate's Guide to Immediate Response Authority (IRA), Lieutenant Colonel Mary J. Bradley, Feb. 2007, at 30.

USALSA Report Index

Trial Judiciary Note, *A View from the Bench: Keys to a Successful Direct Examination*, Lieutenant Colonel Robert M. Twiss, Apr. 2007, at 28.

Trial Judiciary Note, *A View from the Bench: A Military Judge's Perspective on Court-Martial Providency*, Feb. 2007, at 35.

Trial Judiciary Note, *A View from the Bench: Military Rule of Evidence (MRE) 412 and Sentencing*, Colonel Michael J. Hargis, Mar. 2007, at 36.

Trial Judiciary Note, *A View from the Bench: A Primer for Counsel*, Colonel R. Peter Masterton, Oct. 2007, at 85.

Trial Judiciary Note, *A View from the Bench: Rehabilitative Potential and Retention Evidence*, Apr. 2007, at 42.

Trial Judiciary Note, *A View from the Bench: Using a Witness's Prior Statements and Testimony at Trial*, Colonel David L. Conn, Mar. 2007, at 39.

Book Reviews Index

American Patriot: The Life and War of Colonel Bud Day, Major Kirsten M. Dowdy, Dec. 2007, at 81.

AWOL: The Unexcused Absence of America's Upper Class from Military Service—and How It Hurts Our Country, Major Charles Kuhfahl Jr., Feb. 2007, at 38.

Charlie Wilson's War: The Extraordinary Story of the Largest Covert Operation in History, Major Eric D. Magnell, Oct. 2007, at 94.

Confessions of an Economic Hit Man, Major Kay K. Wakatake, June 2007, at 80.

Grant and Sherman: The Friendship that Won the Civil War, Major Olga M. Anderson, Apr. 2007, at 46.

His Excellency: George Washington, Major Robert A. Vedra, Mar. 2007, at 47.

James Madison and the Struggle for the Bill of Rights, Lieutenant Commander David M. Gonzalez, Apr. d2007, at 51.

Just Americans: How Japanese Americans Won a War at Home and Abroad, Major Jason S. Wrachford, Sept. 2007, at 42.

Nixon and Kissinger: Partners in Power, Major Shane Reeves, Nov. 2007, at 79.

Revolutionary Characters: What Made the Founders Different?, Major Kyle D. Murray, Aug. 2007, at 72.

State of War: The Secret History of the CIA and the Bush Administration, Major Danyele M. Jordan, Aug. 2007, at 67.

Team of Rivals The Political Genius of Abraham Lincoln, Major Aaron Wagner, Mar. 2007, at 52.

Washington's Spies, Captain Robert L. Martin, June 2007, at 76.